

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

## Report of Investigation

Title of Investigation: Carlos Javier FIGUEROA DTO OCDETF NY-NYW-0323H	Investigation Number: 765080-17-0024	Report Number: 23
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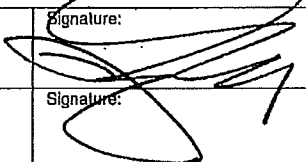

**SUMMARY OF EVENT:** On April 10, 2017, Investigators from the Rochester Police Department along with ATF Special Agent Patrick Hoffman, interviewed Xavier Torres in the presence of his attorney John Molloy.

### NARRATIVE:

1. On April 10, 2017, I met with Xavier Torres aka "Pistolita" at the request of his attorney, John Molloy. The meeting took place at John Molloy's office at 4268 Seneca Street Buffalo, NY. Present at this meeting were myself along with "Pistolita", Attorney John Molloy, Rochester Police Department Investigators, Tom Cassady, Melissa Frasca, Mario Corria, David Swain and ATF Special Agent Patrick Hoffman. John Molloy explained that "Pistolita" expressed concern that Javier Figueroa was possibly trying to have him killed. Molloy stated that the purpose of the meeting was to allow "Pistolita" to provide information about Javier's illegal narcotics trafficking network in hopes that the information would assist law enforcement in arresting Carlos Javier Figueroa AKA "Javi" and others. "Pistolita" provided the following information during the meeting:

#### Felix Figueroa AKA "junior"

- "Pistolita" stated that "Junior" is Carlos Javier Figueroa's AKA "Javi" brother. He stated that recently "Junior's" wife reached out to his wife and said Junior wanted to talk. "Pistolita" said he was concerned that "Junior" was going to do something to him so he met him on the street. "Junior" asked "Pistolita" to get in his car but he refused. "Pistolita" told "Junior" to get out of his car and walk with him on the sidewalk in public because he knew "Junior" wouldn't do anything out in the street. He said "Junior" was driving a new black Jeep and his wife was with him in the car.
- "Junior" told "Pistolita" that he and "Javi" don't talk to each other any longer and that he was interested in "Pistolita" hustling cocaine for him in the Buffalo area. "Junior" told "Pistolita" that "Javi" doesn't sell Heroin anymore and that he is now selling cocaine. He told "Pistolita" that "Javi" was buying his cocaine from a guy by the name of Noel. Noel drives a white BMW.
- "Junior" stated that Obed and Axel robbed a bunch of drugs and guns from one of "Javi's" stash apartments. He said that Axel shot Obed over a dispute about the robbery.
- "Junior" said that "Yankee" is "Javi's" runner now. "Pistolita" explained that a runner means that you pick up the drug money from the sellers/locations, drop drugs off to the sellers/locations and assist with packaging the drugs. He told "Pistolita" that the Police caught "Yankee" with "Javi's" drugs on Burbank Street and

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"Yankee" did ten (10) months in Jail.

6. "Junior" mentioned a guy by the name of "Tapone" but "Pistolita" had never heard of him. "Junior" stated that "Tapone" did some shit for "Javi", but he didn't tell him what he had done. He said that "Javi" tried to separate himself from "Tapone" after he did what he did.

### **Violence associated with Drug Trafficking Organization**

7. "Pistolita" stated that he left Rochester because "Javi" was crazy and he was afraid of him. He said "Javi" doesn't do anything himself he pays people to do it. Once he completed his ninety (90) days in jail "Pistolita" stated he left for Buffalo because "Javi" was having a lot of people killed. He heard that "Javi" was under the impression that he was snitching on him. "Javi" had a friend that was a Rochester Police Officer that apparently told him that "Pistolita" was a snitch. "Javi" road motorcycles with this cop.

8. Amelia - "Pistolita" spoke about the murder of "Javi's" step-father's girlfriend, Amelia. He stated that "Javi" paid to have Amelia killed. "Javi's" step-father, Jorge, knows that "Javi" had his girlfriend killed, and "Pistolita" thinks Jorge played a role in it.

9. "Gargola" - "Pistolita" stated that "Domi" killed "Gargola". He stated that "Domi" was robbed by "Gargola" for his drugs. The drugs were provided to "Domi" by "Javi". When "Domi" told "Javi" about the robbery, "Javi" told "Domi" that he still owed "Javi" the money. "Domi" told "Pistolita" that he had to kill him and stated that "Javi" gave him the bullets for the gun.

10. "Rafi" - "Rafi" owed "Javi" a lot of money at least fifteen (15) thousand dollars. "Rafi" was a Fein and would use a lot of the drugs that he was supposed to be selling. "Javi" would get very angry with "Rafi" because the money was always short. When "Rafi" got sick and went into the hospital. "Rafi" reached out to "Javi" and asked if he would bring him some dope to the hospital. "Pistolita" witnessed "Javi" "cook up" a pill bottle of horse tranquilizer with about one (1) gram of heroin. "Javi" had a guy at Fingerlakes race track that he gets the horse tranquilizer from. "Javi" had his brother in law, "Nardy," bring it to "Rafi" at the hospital. "Nardy" is Nishayra's brother. "Pistolita" stated that he was present several times when "Javi" assaulted "Rafi". He said that he has witnessed "Javi" beat "Rafi" so bad that he broke his ribs. He witnessed "Javi" hang "Rafi" by his neck in the garage on Burbank Street. He thought "Rafi" was dead after he cut him down but he lived. "Rafi" had a step-son by the name of "Che-Che" that "Javi" thought was snitching. "Che-Che" got caught in a house with several guns and was released from jail.

11. "Flaco" - "Pistolita" stated that when "Flaco" came from Rochester, "Flaco" asked "Pistolita" if he could stay with "Pistolita" in Buffalo. After "Flaco" got killed, "Pistolita" heard that "Javi" had him killed because he was talking about the murder of Amelia. "Javi" thought "Flaco" was talking to the police.

### **Drug Trafficking Operation**

12. "Pistolita" met "Javi" around 2014 at a rooster fight in Buffalo. When "Pistolita" got hooked on heroin, "Javi" told him to come to Rochester. "Pistolita" moved his wife and child to Rochester, and "Javi" let them stay at his house at 6 Burbank Street. 6 Burbank Street was the house that the police raided and found the heroin on top of the refrigerator. After the police raided the house, "Javi" got mad and made "Pistolita" move to a house across the street. "Javi" told "Pistolita" that there were two guns in the attic at 6 Burbank Street that the police didn't find when they raided the house.

13. "Javi" has a wife by the name of Nishayra Gutierrez and a girlfriend by the name of Leitscha. "Pistolita" didn't know Leitscha's last name but he stated that she lived in a building in downtown Rochester. "Javi" pays the rent for the apartment. She drives a gray Nissan Altima. Leitscha does everything for "Javi" including picking up his drug supply. She comes to Buffalo to pick the drugs up and take them back to Rochester. The

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drugs are mailed from Puerto Rico to a location in Buffalo and then "Javi" sends Leitscha to pick them up and bring them back. "Pistolita" stated that he remembered a time when Leitscha and "Yankee" were on the way back from Buffalo and they got stopped by the police. "Yankee" had a kilo of heroin on him at the time and as the police approached them he put it on Leitscha. Leitscha got mad and told "Javi." Leitscha kept drugs in her apartment until "Javi" learned that she put two (2) kilos of heroin in the couch cushion and her friend sat on the couch where the kilos were. "Javi" told her, "why would you let this girl come and sit on the couch where the kilos were hidden?" "Pistolita" stated that "Javi" really trusts Leitscha. He knows that Leitscha also worked at "Javi"'s restaurant in Mount Morris.

14. "Javi" had several apartments that he used at the building on Main Street in Rochester. He had a guy working for him by the name of Ishmal. Ishmal and his wife Shanna were the building managers and would give "Javi" the keys to vacant apartments to store his drugs and guns. "Javi" ended up moving his drugs and guns to a building on Culver Road that Axel and Obed robbed. "Javi" said he moved the stuff out of Main Street because Ishmal and Shanna told him that the building was under new ownership, and the new owners put cameras in the building. "Javi" thought the Feds put the cameras in the building. "Pistolita" stated that "Javi" was always there when they were bagging up. "Javi" would have his workers bag up approximately two hundred (200) to three hundred (300) grams of heroin every four (4) days. There would always be about six (6) people bagging up at a time. "Javi" was doing about a kilo of heroin each week. The drugs always stayed at the building and they would get it from there. "Javi" was smart and would consistently switch up the packaging. "Pistolita" stated his sister-in law lives in the building and knows which apartment "Javi" is using. "Pistolita" has seen "Javi", in one of the apartments on Main Street, with four (4) bricks of heroin on a least two (2) separate occasions.

15. "Pistolita" stated that "Javi" would give all of the workers phones and would change up the phone about every two weeks. He bought the phones from a store at the corner of Thomas Street and Upper Falls Blvd.

16. "Javi" had a lawyer that he used to represent everyone when they got arrested. He used the same lawyer for everyone, and "Javi" paid the attorney for everyone. "Pistolita" was not sure of the lawyers name but he was a tall guy.

17. "Javi" would bring a lot of his workers in from Puerto Rico. "Javi" was from Majaquez, Puerto Rico and had connections there. "Pistolita" stated that the guys from Puerto Rico weren't part of any gangs.

18. When "Pistolita" worked for "Javi" he had drug houses on Burbank Street, Thomas Street and Clinton Avenue.

19. "Pistolita" stated that he was a worker for "Javi" meaning that his only job was to sell drugs. He stated that he was never a runner. He said he would sell about five (5) thousand-dollars' worth of heroin a day at various locations on Burbank Street.

20. When "Pistolita" got arrested at the building on Clinton Avenue, "Javi" tried bailing him out of jail. "Javi" gave the bail money to a guy by the name of "White Boy Nick," who was a Fein. "Javi" stated that "White Boy Nick" took the money and never came back. "Javi" wanted to kill him but couldn't find him.

21. "Javi" didn't trust his mother or his brothers. He only worked with his brother Chapito.

22. "Pistolita" knows that "Javi" did ten (10) years in Federal Prison for selling a half a kilo of crack. The Feds also caught him with two (2) million dollars.